

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

FILED BY CLERK

OCT 16 2007

COURT OF APPEALS  
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

GLEN ALAN HUGGINS,

Appellant.

2 CA-CR 2006-0389

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of  
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. CR20050551

Honorable Robert Duber II, Judge

AFFIRMED

Terry Goddard, Arizona Attorney General  
By Randall M. Howe and Kathryn A. Damstra

Tucson  
Attorneys for Appellee

Emily Danies

Tucson  
Attorney for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 Appellant Glen Alan Huggins was convicted after a jury trial of possession of methamphetamine, a dangerous drug, and possession of drug paraphernalia. He was

sentenced to presumptive, concurrent prison terms of ten and 3.75 years. On appeal, Huggins contends the trial court erred when it denied his motion for judgment of acquittal, which he made pursuant to Rule 20, Ariz. R. Crim. P., after the state rested.

¶2 A Rule 20 motion should only be granted when there is “no substantial evidence” to support the jury’s finding of guilt. Ariz. R. Crim. P. 20; *see also State v Mathers*, 165 Ariz. 64, 67, 796 P.2d 866, 869 (1990). “Substantial evidence is more than a mere scintilla;” it is proof from which reasonable jurors could conclude beyond a reasonable doubt that the defendant committed the crime with which he has been charged. *Mathers*, 165 Ariz. at 67, 769 P.2d at 869.

¶3 The evidence established that Officer Schmidlin of the Miami Police Department had stopped the car in which Huggins was riding as a passenger after a license plate check led him to believe the car had been stolen. When Schmidlin approached and spoke to the driver, he noticed that Huggins was eating popcorn from a bag. Other officers who assisted Schmidlin searched the car and found methamphetamine, a syringe, and a pipe in a door panel on the driver’s side of the car. On the passenger side, in the bag of popcorn from which Huggins had been eating, officers found a plastic bag of methamphetamine and a syringe.

¶4 Huggins contends the trial court erred in denying the motion because someone other than he, particularly the driver of the car, could have placed the methamphetamine and the paraphernalia in the popcorn where they were found. But what Huggins is asking us to

do, essentially, is to reweigh the evidence. This we will not do. Rather, we view the evidence in the light most favorable to upholding the trial court's ruling. *State v. Stroud*, 209 Ariz. 410, ¶ 6, 103 P.3d 912, 914 (2005). So viewed, there was ample evidence to withstand the Rule 20 motion. Jurors could have reasonably inferred that the items found in the popcorn bag had been knowingly possessed by the person last seen holding and eating the popcorn. That person was Huggins.

¶5 Based on the record before us, we conclude the trial court did not err by denying the motion for judgment of acquittal. There was far more than a scintilla of evidence to support the jury's finding that Huggins had possessed a dangerous drug—methamphetamine—and drug paraphernalia. Therefore, we affirm the convictions and the sentences imposed.

---

PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

---

PHILIP G. ESPINOSA, Judge

---

GARYE L. VÁSQUEZ, Judge